



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

MEMORANDUM

TO: DG Stakeholder Electronic Distribution List

FROM: Kate Tohme, Hearing Officer, Ombudsperson Designee

RE: COVID-19 and Distributed Generation
Force Majeure Event Guidance

DATE: April 6, 2020

CC: Mark Marini, Secretary

I. INTRODUCTION

On March 26, 2020, the Department of Public Utilities (“Department” or “DPU”) held a teleconference to provide stakeholders with information and procedural guidance related to distributed generation (“DG”) and D.P.U. 19-55 during the COVID-19 situation. The teleconference was conducted in accordance with the following agenda:

- DPU introduction
- Welcome from DPU Chair Matthew Nelson
- DPU information concerning the COVID-19 situation and DG
- Electric distribution companies’ (“EDCs”) statement
- Department of Energy Resources’ (“DOER”) statement
- Office of the Attorney General’s (“AGO”) statement
- DPU procedural update concerning D.P.U. 19-55
- Q&A with representatives from DPU, EDCs, DOER, and AGO

The Department shares the DG community’s concerns regarding how the COVID-19 situation could cause delays and uncertainty for DG related programs and projects. The Department understands the severity of the situation and of stakeholder concerns. The Department’s Commission does not want to lose sight of DG related issues which are important to the Department, stakeholders, and the Commonwealth. To mitigate delays and uncertainty to

the greatest extent possible, the Department immediately engaged with the EDCs, DOER, and AGO and will continue to collaborate to prepare a coordinated response. In addition, the Department is committed to transparency during this health emergency and will provide information to DG stakeholders whenever possible.

At the March 26, 2020 teleconference, the Department gathered a group of representatives from the DPU, EDCs, DOER, and AGO to provide stakeholders with available information and procedural guidance related to DG and D.P.U. 19-55 during the COVID-19 situation. While the purpose of the teleconference was to provide stakeholders with information, it was also for the DPU to hear questions from stakeholders so that we can work to provide additional desired information as soon as possible.

During the teleconference, the EDCs made a statement declaring a Force Majeure Event, pursuant to the Standards for Interconnection of Distributed Generation Tariff. Following the teleconference, the Department shared copies of the EDCs statement and notifications to DG customers that were issued following (also available through the Department's [online file room](#) (enter "19-55"). The Department allowed stakeholders to memorialize their comments and questions from the teleconference and submit them to the Department through March 30, 2020.

Based on discussions with the EDCs, DOER, and AGO, and inquiries and comments provided during and following the March 26, 2020 teleconference, the Department provides the following Force Majeure Event guidance to DG stakeholders and the EDCs.

II. FORCE MAJEURE EVENT GUIDANCE

- Inquiries and concerns related to DG during the Force Majeure Event should be submitted through the Department's online inquiry form:
<https://www.mass.gov/forms/submit-a-renewable-energy-complaint-or-question-to-the-dpus-distributed-generation-group>
- Contact information for the EDCs, DOER, AGO and other relevant resources can be found on the Department's website: <https://www.mass.gov/info-details/who-to-contact-about-my-renewable-energy-question-or-concern>
- The EDCs shall provide DG stakeholders with Force Majeure Event information on their respective websites. This information shall be updated whenever possible and at least once a week. The information provided on the website shall include but not be limited to:
 - copies of non-project specific notices issued by the EDC related to the Force Majeure Event;
 - DG related activities that are delayed or otherwise impacted by the Force Majeure Event; and
 - expected delays or modifications to business practices related to DG during the Force Majeure Event, when notice can be provided to customers in advance of such delays or modifications.
- The EDCs shall communicate, as soon as practicable, any expected or actual delays to individual DG projects, including but not limited to:
 - on-site surveying;
 - securing required discretionary permits and approvals;
 - procuring EDC-owned equipment;
 - siting anticipated locations of EDC-owned facilities;
 - constructing EDC-owned facilities; and
 - conducting witness tests and installing metering equipment.
- DG stakeholders are encouraged to reach out to the EDCs and associated municipalities with inquiries and requests for additional information.

- The EDCs shall be in regular communication with the Department concerning the Force Majeure Event, including but not limited to:
 - regular check-in calls;
 - notification whenever possible before any significant change in circumstances or business practices occurs; and
 - submission of non-project specific customer notifications related to the Force Majeure Event for Department review in advance of issuance.
- The EDCs shall work with affected DG customers to determine reasonable extensions of payment deadlines due to the Force Majeure Event. If the EDCs and affected DG customers are unable to agree on reasonable extensions of payment deadlines, the EDC or DG customer may contact the Department for assistance and procedural guidance.
- The EDCs shall coordinate with the Department to determine the appropriate time to end the Force Majeure Event as well as timing and method of communication to DG stakeholders.

For further information regarding this memorandum or to request addition to or removal from the DG stakeholder electronic distribution list, please contact me, at Kate.Tohme@mass.gov.